

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MARY L. FLOWERS,

Plaintiff,

V.

JO ANNE BARNHART,
COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 4:08CV3

JUDGE DONALD NUGENT
Magistrate Judge George J. Limbert

REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE

This matter is before the Court upon the parties' joint stipulation for remand. ECF Dkt. #14. On June 16, 2008, the parties filed this motion indicating that they would stipulate to an Order of this Court reversing the Commissioner's decision and remanding this case for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). *Id.* The parties agree that the case should be remanded so that the ALJ can locate and evaluate the evidence that was missing from the administrative record which was contained in Exhibits 12F and 13F, as accepted by the ALJ at the May 24, 2005. *Id.* The parties further agree that the ALJ may request any additional development deemed necessary in order to complete the administrative record and issue a new decision. *Id.*

Based upon the agreement of the parties and the reasons presented for a remand, the undersigned recommends that the Court find that a remand is proper under sentence four of 42

U.S.C. § 405(g) for the procedures stated above. The undersigned thus recommends that the Court reverse the Commissioner's decision and remand this case for further proceedings.

Dated: June 16, 2008

/s/George J. Limbert
GEORGE J. LIMBERT
United States Magistrate Judge

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of service of this notice. Failure to file objections within the specified time WAIVES the right to appeal the Magistrate Judge's recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).